

## CITY OF OAKLAND



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### **VIA E-FILING**

Magistrate Judge Maria-Elena James  
United States District Court  
Courtroom B  
Federal Building, 15<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: George Finley v. City of Oakland, et al.  
United States District Court No. C-04-5102-MEJ  
Our Case File No.: 23872

Your Honor:

Defendants' Motion for Summary Judgment was heard and submitted on January 19, 2006<sup>1</sup>. The court has yet to issue its decision. We wish to make the Court aware that the first pre-trial filings (statements of facts, witness lists, exhibit lists) are due to be exchanged between counsel on February 9, 2006. Defendants' attorneys intend to start working on these documents by January 30, 2006. If the court's decision on the summary judgment motion will not be issued by February 1, 2006, we respectfully request that the Court stay ~~and/or continue~~ the pretrial filings dates so that the unnecessary incurrence of attorneys' fees can be avoided (assuming the motion is ultimately granted). Thank you for your consideration of this matter.

All pretrial and trial dates are hereby STAYED



Very truly yours,

JOHN A. RUSSO  
City Attorney

By: //s//PELAYO A. LLAMAS, JR.  
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<sup>1</sup> We remind the court that this matter was originally set for hearing on December 8, 2005 but was moved because the plaintiff failed to timely file an opposition brief.